

Council Communication

Department: Legal	Ordinance No. Resolution No. <u>08-357</u>	Council Action: <u>Dec. 8, 2008</u>
Case/Project No.		
Applicant		
SUBJECT/TITLE		
A resolution to dispose of excess City right-of-way located between Avenues F and G and between Curtis and North 6 th Streets		
BACKGROUND		
There are two parcels of land generally located between Avenues F and G and Curtis and North 6 th Streets. With the completion of the Avenue G viaduct, these parcels are essentially considered to be surplus.		
RECOMMENDATION		
Approval of this resolution is recommended by staff.		

Richard Wade

Department Head Signature



Mayor Signature

RESOLUTION NO. 08-357

A RESOLUTION AUTHORIZING DISPOSAL OF EXCESS CITY RIGHT-OF-WAY LOCATED BETWEEN AVENUES F AND G AND BETWEEN CURTIS AND NORTH 6TH STREETS.

WHEREAS, Council approved Resolution No. 08-349 on November 24 which expressed the City's intent to dispose of two tracts of land identified on the plat of survey attached hereto as Exhibit A; and

WHEREAS, staff recommends disposal of this land to be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized to sign any documents relating to the disposal of the tracts identified in the attached exhibit.

ADOPTED
AND
APPROVED December 8, 2008

Thomas P. Hanafan, Mayor

Attest:

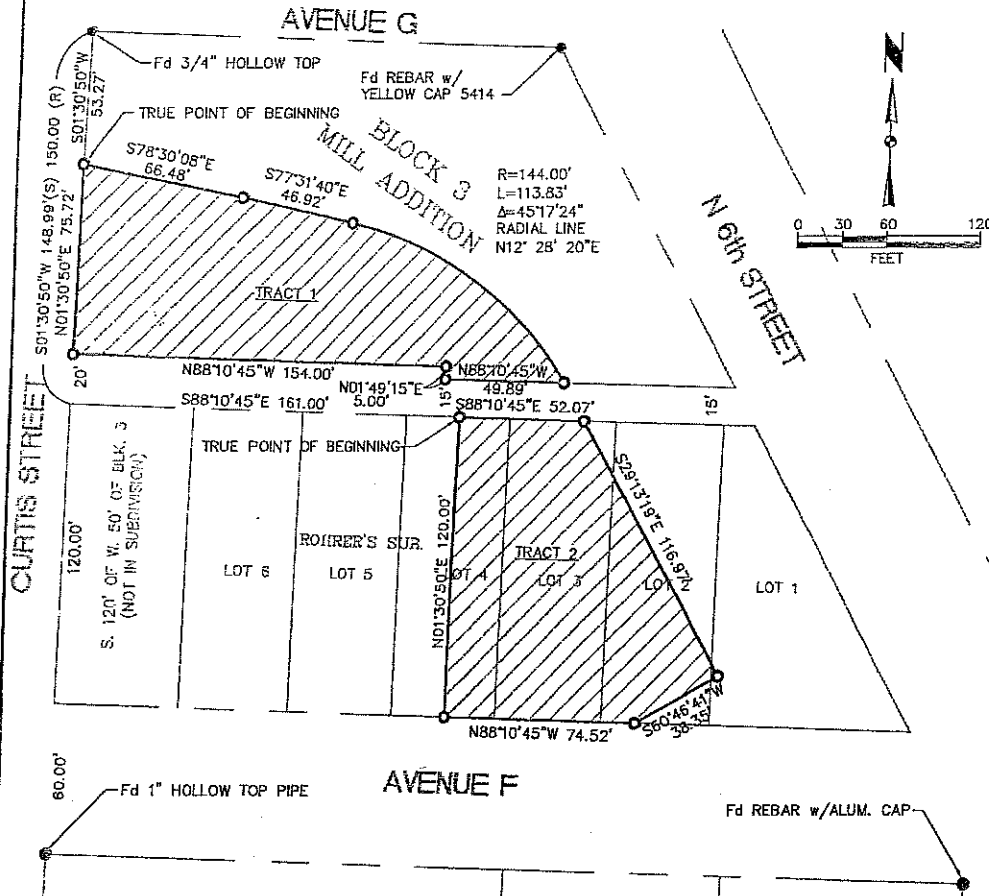
Judith Ridgeley, City Clerk

C.A. 12/8/08

"PLAT OF SURVEY"

EXCESS RIGHT-OF-WAY

PAGE 1 OF 1



LEGAL DESCRIPTION - EXCESS RIGHT-OF-WAY

TRACT 1

A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF BLOCK 3 IN MILL ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 3, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF CURTIS STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH 01 DEGREES 30 MINUTES 50 SECONDS WEST, 50.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 78 DEGREES 30 MINUTES 08 SECONDS EAST, 66.48 FEET; THENCE SOUTH 77 DEGREES 31 MINUTES 40 SECONDS EAST, 46.92 FEET TO A POINT ON A TANGENT CURVE, CONCAVE SOUTHWESTERLY, TO WHICH POINT A RADIAL LINE BEARS NORTH 12 DEGREES 28 MINUTES 20 SECONDS EAST, 144.00 FEET; THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 45 DEGREES 17 MINUTES 24 SECONDS, 113.83 FEET TO THE NORTH LINE OF THE EAST-WEST ALLEY IN SAID BLOCK 3; THENCE ALONG SAID NORTH LINE THE FOLLOWING THREE COURSES: 1) NORTH 88 DEGREES 10 MINUTES 45 SECONDS WEST, 49.89 FEET; 2) NORTH 01 DEGREE 49 MINUTES 15 SECONDS EAST, 5.00 FEET; 3) NORTH 88 DEGREES 10 MINUTES 45 SECONDS WEST, 154.00 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 01 DEGREE 30 MINUTES 50 SECONDS EAST, 75.72 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 10,791 SQUARE FEET (0.248 ACRES), MORE OR LESS.

TRACT 2

A PARCEL OF LAND BEING A PORTION OF LOTS 1 THROUGH 4 IN ROHRER'S SUBDIVISION OF A PART OF BLOCK 3, MILL ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 3, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF CURTIS STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH 01 DEGREES 30 MINUTES 50 SECONDS WEST, 148.99 FEET TO THE SOUTH LINE OF THE EAST-WEST ALLEY OF SAID BLOCK 3; THENCE ALONG SAID SOUTH LINE, SOUTH 88 DEGREES 10 MINUTES 45 SECONDS EAST, 161.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 88 DEGREES 10 MINUTES 45 SECONDS EAST, 52.07 FEET; THENCE SOUTH 29 DEGREES 13 MINUTES 19 SECONDS EAST, 115.97 FEET; THENCE SOUTH 60 DEGREES 46 MINUTES 41 SECONDS WEST, 38.35 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AVENUE F; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, NORTH 88 DEGREES 10 MINUTES 45 SECONDS WEST, 74.52 FEET; THENCE NORTH 01 DEGREE 30 MINUTES 50 SECONDS EAST, 120.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 10,100 SQUARE FEET (0.232 ACRES), MORE OR LESS.

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MELVIN G. SAMPLES, 10-12-09
DATE

License Number 10569
My license renewal date is December 31, 2008.

Pages or sheets covered by this sheet:
SHEET 1 OF 1

LEGEND

- SET 5/8"x18" REBAR w/YELLOW PLASTIC CAP MARKED "HGM ASSOC. PLS 10569"

- (S) SURVEYED
- (R) RECORDED

CONTRACT DATED

ACQUIRED BY

CONSIDERATION \$

MILL ADDITION ROHRER'S SUBDIVISION

SUBDIVISION

3 BLOCK(S)

1-4

LOT(S)

TEMPORARY EASEMENT 0 s.f.

EXCESS RIGHT-OF-WAY 20,891 s.f.

EXCESS RIGHT-OF-WAY

EXCESS RIGHT-OF-WAY

EXCESS RIGHT-OF-WAY

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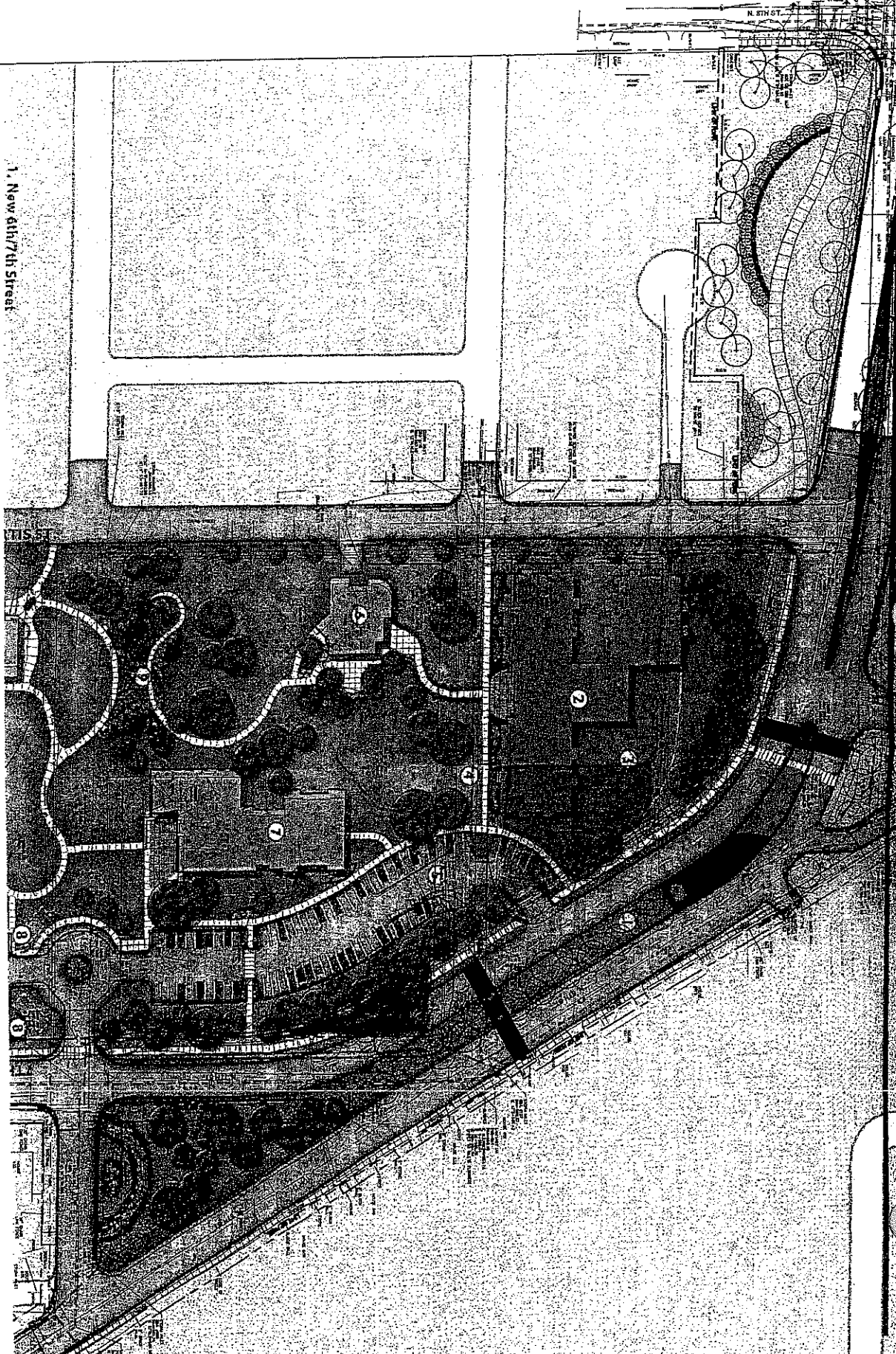
EXCESS RIGHT-OF-WAY

EXCESS RIGHT-OF-WAY

EXCESS RIGHT-OF-WAY

MASTER PLAN

CHILDREN'S SQUARE CAMPUS MASTER PLAN



1. New 6th/7th Street

A

CHILDREN'S SQUARE PLAN

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading December 8, 2008

Case/Project No.: FY09-08

Resolution No. 08-358

Applicant: Ron Neal, City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting January 13, 2009, at 10:00 a.m. as the date and time for the bid opening for Avenue G Viaduct/Corridor – Project V.

BACKGROUND/DISCUSSION

- This project will construct the new roadway alignment from Avenue G at Curtis Street to Avenue E.
- Improvements include concrete street, concrete curb & gutter, storm water inlets, storm sewers, sanitary sewer and street lights. Iowa West Foundation will provide landscape aesthetics after the city project is completed.
- The project is in coordination with the IDOT plan to reconstruct the Broadway Viaduct in 2010. 6th Street & 7th Street to Avenue G will be used as alternate access.
- The project schedule provides for letting on January 12, 2009, Council Award, January 26, 2009, and construction completion in fall 2009.
- This is project FY09-08 in the CIP with a budget of \$1.5 million and will be funded by a combination of Local Sales Tax and General Obligation Bonds.

RESOLUTION

No. 08-358

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
AVENUE G VIADUCT/CORRIDOR – PROJECT V
FY09-08**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Avenue G Viaduct/Corridor Project V; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on December 8, 2008.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the plans, specifications, form of contract and cost estimate are hereby approved for the Avenue G Viaduct/Corridor – Project V and the City Clerk is hereby authorized to advertise for bids for said project.

**ADOPTED
AND
APPROVED December 8, 2008**

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication
December 8, 2008 City Council Meeting

Department: Community Development	Ordinance No.: <u>6019</u> Resolution No.:	First Reading: 12-8-08 Second Reading: 1-12-09 Third Reading: 1-26-09 Public Hearing: 1-12-09
Case/Project No.: N/A		
Subject/Title		
Ordinances for the Targeted Jobs Withholding Tax Credit Program within the amended Old Airport Urban Renewal Area and the amended Manawa Business Park Urban Renewal Area		
Location		
Old Airport Urban Renewal Area and the Manawa Business Park Urban Renewal Area		
Background/Discussion		
<u>Background</u> The City of Council Bluffs has been designated by the State of Iowa as a pilot project city under the Targeted Jobs Withholding Tax Credit Program. This program allows cities to assist in funding projects in urban renewal areas by means of a targeted jobs credit to eligible businesses for eligible targeted jobs they create or retain. The withholding tax credit is 3% of the amount of gross wages paid to the eligible employees by the business. The City of Council Bluffs has entered into withholding tax credit agreements with both Telmar Network Technologies and Google, Inc.		
<u>Discussion</u> Ahlers & Cooney, P.C. has advised the City to pass an ordinance confirming our practice of setting up a special account for the targeted jobs withholding tax credit within each urban renewal area, pursuant to Iowa Code Section 403.19A(3)(a). The monies collected each quarter for these projects are to be placed within a separate designated account and are to be used only for the purposes agreed to within each development agreement.		
Staff Recommendation		
The Community Development Department recommends approval of the ordinances for the Targeted Jobs Withholding Tax Credit Program in both the amended Old Airport Urban Renewal Area and the amended Manawa Business Park Urban Renewal Area.		
Attachments		
1) Ordinance for the Old Airport Urban Renewal Area 2) Ordinance for the Manawa Business Park Urban Renewal Area		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department



ORDINANCE NO. 6019

AN ORDINANCE PROVIDING THAT THE TARGETED JOBS WITHHOLDING CREDIT COLLECTED EACH YEAR IN CONNECTION WITH CERTAIN PROPERTY LOCATED WITHIN THE AMENDED OLD AIRPORT URBAN RENEWAL AREA OF THE CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, STATE OF IOWA, BE PAID INTO A DESIGNATED ACCOUNT IN THE SPECIAL FUND PREVIOUSLY ESTABLISHED BY ORDINANCE NO. 5912

WHEREAS, the City Council of the City of Council Bluffs, Iowa has heretofore, in Ordinance No. 5912, provided for the division of taxes within the Old Airport Urban Renewal Area, as amended, pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, the City of Council Bluffs has applied and been approved by the department of economic development as a pilot project city pursuant to Subsection 403.19A(2) of the Code of Iowa; and

WHEREAS, a Withholding Agreement or Agreements have been or will be entered into in connection with the Old Airport Urban Renewal Area, as amended, by and between the City of Council Bluffs and certain employers within the Old Airport Urban Renewal Area, as amended; and

WHEREAS, pursuant to Section 403.19A of the Code of Iowa and said Withholding Agreement(s), certain withholding tax credits are to be remitted by employers within the Old Airport Urban Renewal Area, as amended, to the City of Council Bluffs; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA, THAT:

Section 1: For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Business shall mean any professional services, or industrial enterprise, including medical treatment facilities, manufacturing facilities, corporate headquarters, and research facilities. “Business” does not include a retail operation or a business which closes or substantially reduces its operation in one area of the State of Iowa and relocates substantially the same operation to another area of the State of Iowa.

(b) Employee shall mean the individual employed in a targeted job that is subject to a withholding agreement.

(c) Employer shall mean a business creating targeted jobs in an urban renewal area of a pilot project city pursuant to a withholding agreement.

(d) Pilot project city shall mean a city that has applied and been approved as a pilot project city pursuant to Subsection 403.19A(2) of the Code of Iowa.

(e) Qualifying investment shall mean a capital investment in real property including the purchase price of land and existing buildings, site preparation, building construction, and long-term lease costs. “Qualifying investment” also means a capital investment in depreciable assets.

(f) Targeted job shall mean a job in a business which is or will be located in an urban renewal area of a pilot project city that pays a wage at least equal to the countywide average wage. “Targeted job” includes new jobs from Iowa business expansions or retentions within the city limits of the pilot project city and those jobs resulting from established out-of-state businesses, as defined by the department of economic development, moving to or expanding in Iowa.

(g) Withholding agreement shall mean the agreement between a pilot project city and an employer concerning the targeted jobs withholding credit authorized in Subsection 403.19A(3) of the Code of Iowa.

Section 2: In connection with any withholding agreements entered into pursuant to Section 403.19A of the Code of Iowa with a business located within the Old Airport Urban Renewal Area, the City of Council Bluffs shall create a separate designated account for the deposit of the targeted jobs withholding credit within the special fund previously established under Ordinance No. 5912. The targeted jobs withholding credit shall be based upon the wages paid to employees pursuant to a withholding agreement.

Section 3: An amount equal to three percent of the gross wages paid by an employer to each employee under a withholding agreement shall be credited from the payment made by the employer pursuant to section 422.16 of the Code of Iowa. If the

amount of the withholding by the employer is less than three percent of the gross wages paid to the employees covered by the withholding agreement, the employer shall receive a credit against other withholding taxes due by the employer or may carry the credit forward for up to ten years or until depleted, whichever is the earlier. The employer shall remit the amount of the credit quarterly, in the same manner as withholding payments are reported to the department of revenue, to the City of Council Bluffs to be allocated to and when collected paid into a designated account in the special fund for the urban renewal area in which the targeted jobs are located. All amounts so deposited shall be used or pledged by the City of Council Bluffs for an urban renewal project related to the employer pursuant to the withholding agreement.

Section 4: The funds held in any such designated account(s) shall not be commingled with any other funds.

Section 5: Pursuant to Section 403.19A of the Code of Iowa, in connection with any withholding agreement(s) entered into by the City of Council Bluffs with a business located within the Old Airport Urban Renewal Area, the City of Council Bluffs shall arrange for a match of at least one dollar for each withholding credit dollar received by the City of Council Bluffs. The local match may come from the City of Council Bluffs, a private donor, or the business which entered into the withholding agreement, or a combination of all three. The local match may be in cash or in kind to be used for the business project.

Section 6: Following termination of any withholding agreement, the employer credits shall cease and any money received by the City of Council Bluffs after such termination shall be remitted to the treasurer of the state to be deposited in the general fund of the state. Notice shall be provided promptly to the Department of Revenue following termination.

Section 7: The City of Council Bluffs shall certify to the Department of Revenue the amount of the targeted jobs withholding credit an employer has remitted to the City and shall provide other information the Department may require.

Section 8: An employer may participate in a new jobs credit from withholding under Section 260E.5 of the Code of Iowa, or a supplemental new jobs credit from withholding under Section 15E.197 of the Code of Iowa or under section 15.331 of the Code of Iowa, at the same time as the employer is participating in the withholding credit under Section 403.19A of the Code of Iowa. The new jobs credit from withholding under Section 260E.5 of the Code of Iowa, and the supplemental new jobs credit from withholding under Section 15E.197 of the Code of Iowa or under Section 15.331 of the Code of Iowa, shall be collected and disbursed prior to the withholding credit under Section 403.19A of the Code of Iowa.

Section 9: The passage of the Ordinance and the establishment of these separate designated accounts shall not be construed as the establishment or activation through certification of an ordinance for the division of property tax revenue and accordingly shall not trigger any limitations on the division of property tax revenues under Section 403.17(10) or 403.22 of the Code of Iowa.

Section 10: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance.

Section 11: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____,
2009.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

Read first time: December 8, 2008

Read second time: _____

Read third time: _____

Public Hearing: _____

PASSED AND APPROVED: _____

PUBLISHED: _____

Council Communication
December 8, 2008 City Council Meeting

Department: Community Development	Ordinance No.: <u>6020</u> Resolution No.:	First Reading: 12-8-08 Second Reading: 1-12-09 Third Reading: 1-26-09 Public Hearing: 1-12-09
Case/Project No.: N/A		
Subject/Title		
Ordinances for the Targeted Jobs Withholding Tax Credit Program within the amended Old Airport Urban Renewal Area and the amended Manawa Business Park Urban Renewal Area		
Location		
Old Airport Urban Renewal Area and the Manawa Business Park Urban Renewal Area		
Background/Discussion		
<u>Background</u> The City of Council Bluffs has been designated by the State of Iowa as a pilot project city under the Targeted Jobs Withholding Tax Credit Program. This program allows cities to assist in funding projects in urban renewal areas by means of a targeted jobs credit to eligible businesses for eligible targeted jobs they create or retain. The withholding tax credit is 3% of the amount of gross wages paid to the eligible employees by the business. The City of Council Bluffs has entered into withholding tax credit agreements with both Telmar Network Technologies and Google, Inc.		
<u>Discussion</u> Ahlers & Cooney, P.C. has advised the City to pass an ordinance confirming our practice of setting up a special account for the targeted jobs withholding tax credit within each urban renewal area, pursuant to Iowa Code Section 403.19A(3)(a). The monies collected each quarter for these projects are to be placed within a separate designated account and are to be used only for the purposes agreed to within each development agreement.		
Staff Recommendation		
The Community Development Department recommends approval of the ordinances for the Targeted Jobs Withholding Tax Credit Program in both the amended Old Airport Urban Renewal Area and the amended Manawa Business Park Urban Renewal Area.		
Attachments		
1) Ordinance for the Old Airport Urban Renewal Area 2) Ordinance for the Manawa Business Park Urban Renewal Area		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department



5B

ORDINANCE NO. 6020

AN ORDINANCE PROVIDING THAT THE TARGETED JOBS WITHHOLDING CREDIT COLLECTED EACH YEAR IN CONNECTION WITH CERTAIN PROPERTY LOCATED WITHIN THE AMENDED MANAWA BUSINESS PARK URBAN RENEWAL AREA OF THE CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, STATE OF IOWA, BE PAID INTO A DESIGNATED ACCOUNT IN THE SPECIAL FUND PREVIOUSLY ESTABLISHED BY ORDINANCE NO. 5924

WHEREAS, the City Council of the City of Council Bluffs, Iowa has heretofore, in Ordinance No. 5924, provided for the division of taxes within the Manawa Business Park Urban Renewal Area, as amended, pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, the City of Council Bluffs has applied and been approved by the department of economic development as a pilot project city pursuant to Subsection 403.19A(2) of the Code of Iowa; and

WHEREAS, a Withholding Agreement or Agreements have been or will be entered into in connection with the Manawa Business Park Urban Renewal Area, as amended, by and between the City of Council Bluffs and certain employers within the Manawa Business Park Urban Renewal Area, as amended; and

WHEREAS, pursuant to Section 403.19A of the Code of Iowa and said Withholding Agreement(s), certain withholding tax credits are to be remitted by employers within the Manawa Business Park Urban Renewal Area, as amended, to the City of Council Bluffs; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA, THAT:

Section 1: For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Business shall mean any professional services, or industrial enterprise, including medical treatment facilities, manufacturing facilities, corporate headquarters, and research facilities. "Business" does not include a retail operation or a business which closes or substantially reduces its operation in one area of the State of Iowa and relocates substantially the same operation to another area of the State of Iowa.

(b) Employee shall mean the individual employed in a targeted job that is subject to a withholding agreement.

(c) Employer shall mean a business creating targeted jobs in an urban renewal area of a pilot project city pursuant to a withholding agreement.

(d) Pilot project city shall mean a city that has applied and been approved as a pilot project city pursuant to Subsection 403.19A(2) of the Code of Iowa.

(e) Qualifying investment shall mean a capital investment in real property including the purchase price of land and existing buildings, site preparation, building construction, and long-term lease costs. "Qualifying investment" also means a capital investment in depreciable assets.

(f) Targeted job shall mean a job in a business which is or will be located in an urban renewal area of a pilot project city that pays a wage at least equal to the countywide average wage. "Targeted job" includes new jobs from Iowa business expansions or retentions within the city limits of the pilot project city and those jobs resulting from established out-of-state businesses, as defined by the department of economic development, moving to or expanding in Iowa.

(g) Withholding agreement shall mean the agreement between a pilot project city and an employer concerning the targeted jobs withholding credit authorized in Subsection 403.19A(3) of the Code of Iowa.

Section 2: In connection with any withholding agreements entered into pursuant to Section 403.19A of the Code of Iowa with a business located within the Manawa Business Park Urban Renewal Area, the City of Council Bluffs shall create a separate designated account for the deposit of the targeted jobs withholding credit within the special fund previously established under Ordinance No. 5924. The targeted jobs withholding credit shall be based upon the wages paid to employees pursuant to a withholding agreement.

Section 3: An amount equal to three percent of the gross wages paid by an employer to each employee under a withholding agreement shall be credited from the payment made by the employer pursuant to section 422.16 of the Code of Iowa. If the amount of the withholding by the employer is less than three percent of the gross wages paid to the employees covered by the withholding agreement, the employer shall receive a credit against other withholding taxes due by the employer or may carry the credit forward for up to ten years or until depleted, whichever is the earlier. The employer shall remit the amount of the credit quarterly, in the same manner as withholding payments are reported to the department of revenue, to the City of Council Bluffs to be allocated to and when collected paid into a designated account in the special fund for the urban renewal area in which the targeted jobs are located. All amounts so deposited shall be used or pledged by the City of Council Bluffs for an urban renewal project related to the employer pursuant to the withholding agreement.

Section 4: The funds held in any such designated account(s) shall not be commingled with any other funds.

Section 5: Pursuant to Section 403.19A of the Code of Iowa, in connection with any withholding agreement(s) entered into by the City of Council Bluffs with a business located within the Manawa Business Park Urban Renewal Area, the City of Council Bluffs shall arrange for a match of at least one dollar for each withholding credit dollar received by the City of Council Bluffs. The local match may come from the City of Council Bluffs, a private donor, or the business which entered into the withholding agreement, or a combination of all three. The local match may be in cash or in kind to be used for the business project.

Section 6: Following termination of any withholding agreement, the employer credits shall cease and any money received by the City of Council Bluffs after such termination shall be remitted to the treasurer of the state to be deposited in the general fund of the state. Notice shall be provided promptly to the Department of Revenue following termination.

Section 7: The City of Council Bluffs shall certify to the Department of Revenue the amount of the targeted jobs withholding credit an employer has remitted to the City and shall provide other information the Department may require.

Section 8: An employer may participate in a new jobs credit from withholding under Section 260E.5 of the Code of Iowa, or a supplemental new jobs credit from withholding under Section 15E.197 of the Code of Iowa or under section 15.331 of the Code of Iowa, at the same time as the employer is participating in the withholding credit under Section 403.19A of the Code of Iowa. The new jobs credit from withholding under

Section 260E.5 of the Code of Iowa, and the supplemental new jobs credit from withholding under Section 15E.197 of the Code of Iowa or under Section 15.331 of the Code of Iowa, shall be collected and disbursed prior to the withholding credit under Section 403.19A of the Code of Iowa.

Section 9: The passage of the Ordinance and the establishment of these separate designated accounts shall not be construed as the establishment or activation through certification of an ordinance for the division of property tax revenue and accordingly shall not trigger any limitations on the division of property tax revenues under Section 403.17(10) or 403.22 of the Code of Iowa.

Section 10: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance.

Section 11: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____,
2009.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

Read first time: December 8, 2008

Read second time: _____

Read third time: _____

Public Hearing: _____

PASSED AND APPROVED: _____

PUBLISHED: _____

Council Communication

Department: Legal Case/Project No. Applicant	Ordinance No. Resolution No. 08-356	First Reading 12/8/2008 Second Reading Third Reading
SUBJECT/TITLE		
A resolution authorizing the Mayor to sign a "Consent to Transfer" document.		
BACKGROUND		
The Consent to Transfer doesn't transfer any interest in City property but will accommodate the transfer of property between Union Pacific Railroad, Midwest Walnut and Red Giant Oil.		
RECOMMENDATION		
Approval of this resolution is recommended.		

Richard Wade

Department Head Signature



Mayor Signature

6 A

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-356

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DOCUMENT ENTITLED "CONSENT TO TRANSFER" TO ASSIST IN THE TRANSFER OF PROPERTY BETWEEN UNION PACIFIC RAILROAD, MIDWEST WALNUT AND RED GIANT OIL.

WHEREAS, a "Consent to Transfer" document has been prepared dealing with the transfer of property between the Union Pacific Railroad, Midwest Walnut and Red Giant Oil Company; and

WHEREAS, this consent to transfer specifically includes, but is not limited to, those places where track crosses South Third Street, 18th Avenue, 19th Avenue, High Street , Tostevin and South Avenues.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized and directed to execute the document entitled "Consent to Transfer" and attached as Exhibit A.

ADOPTED
AND
APPROVED December 8, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

C.A. 11/24/08

Exhibit A

CONSENT TO TRANSFER

This Consent to Transfer is made this ____ day of November, 2008 by the City of Council Bluffs, Iowa, a Municipal Corporation. Comes now the undersigned City of Council Bluffs, Iowa and hereby acknowledges, grants, and conveys to Red Giant Oil Company, an Iowa Corporation, and its successors in interest, its consent to the following:

The City of Council Bluffs, Iowa hereby Consents to the transfer of real estate, including the transfer of all easements and encumbrances of record, pertaining to the real estate situated in Council Bluffs, Pottawattamie, County, Iowa, as described in Exhibit A, hereto attached and hereby made a part hereof (the "Property"), which Property is to be used by the Grantee for any and all railroad purposes incidental or related thereto, together with the right of ingress and egress to and from the Property for the purpose of exercising the rights therein granted.

This consent to transfer specifically includes but is not limited to those places where the track crosses South Third Street, Eighteenth Avenue, Nineteenth Avenue, High Street, and Tostevin Avenue/South Avenue.

IN WITNESS WHEREOF, the City of Council Bluffs, Iowa has duly executed this Consent to Transfer as of the Date first above written.

Attest:

City of Council Bluffs, Iowa

By _____

Mayor Thomas P. Hanafan

(Seal)

ACKNOWLEDGMENT

State of Iowa)
)ss.
County of Pottawattamie)

On this _____ day of _____, 2008, before me, A Notary Public in and for said County and State, personally appeared Thomas P. Hanafan, who is currently the Mayor of the City of Council Bluffs, Iowa, a municipal corporation of the State of Iowa, and who is personally know to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to in the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public in and for the State of Iowa

Return To: William Hughes, Esq, Stuart Tinley Law Firm, LLP, Qwest Building, 310 W. Kanesville Blvd., 2nd Floor, P.O. Box 398, Council Bluffs, Iowa 51502-0398
Preparer: Steven J. Woolley, Esq., McGill, Gotsdiner, Workman & Lepp, P.C., L.L.O., 11404 West Dodge Road, Suite 500, Omaha, Nebraska 68154-2584
Taxpayer: Red Giant Oil Company, a Nebraska corporation authorized to do business in Iowa, 1701 South 3rd Street, Council Bluffs, Iowa 51503

QUIT CLAIM DEED

For the consideration of One Dollar and other valuable consideration, Midwest Walnut Company of Iowa, an Iowa corporation, does hereby Quit Claim to Red Giant Oil Company, a Nebraska corporation authorized to do business in Iowa, all of its right, title, interest, estate, claim and demand in the following real estate in Pottawattamie County, Iowa, including all easement rights and interests therein:

See Exhibit "A" attached hereto and incorporated herein by this reference.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: _____, 2008

MIDWEST WALNUT COMPANY OF IOWA,
an Iowa corporation, Grantor

By: Gerald W. Keller, Chief Operating Officer

NOTE: Consideration less than \$500.00

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

This instrument was acknowledged before me on _____, 2008, by Gerald W. Keller as Chief Operating Officer of Midwest Walnut Company of Iowa, an Iowa corporation.

Notary Public

EXHIBIT "A"

PARCEL 1:

A parcel of land located in part of Lots 6 and 7; Block 5 of the Casady's Addition to the City of Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the southwest corner of said Lot 7; thence North 0°32'10" West, along the East right of way line of vacated High Street and along the west line of said Lot 7, a distance of 30.79 feet to the Point of Beginning; thence continuing North 0°32'10" West, along said east right of way line and along the west line of said Lot 7, a distance of 40.02 feet to a point on the southwesterly right of way line of the Chicago and North Western Railway Company, predecessor to Union Pacific Railroad Company; thence South 40°52'00" East, along said southwesterly right of way line, a distance of 178.88 feet; thence North 50°46'11" West a distance of 150.62 feet to the Point of Beginning.

Containing 0.053 acres more or less

PARCEL 2:

Also A parcel of land located in part of Lots 1, 12, 13, 14, 15 and 16, all in Block 6 of Casady's Addition, Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the northeast corner of said Lot 1 and Point of Beginning; thence South 0°32'10" East, along the west right of way line of vacated High Street and along the east line of said Lot 1, a distance of 65.81 feet to a point on a non-tangent curve concave southwesterly and having a radius of 457.46 feet and a central angle of 29°36'34", a radial line through said point bears North 29°02'21" East; thence northwesterly, along said curve, an arc length of 236.41 feet and having a chord bearing and distance of North 75°45'56" West, 233.78 feet to the end of said curve; thence South 89°25'47" West a distance of 164.94 feet to the Beginning of a tangent circular curve concave northeasterly and having a radius of 497.46 feet and a central angle of 9°11'13"; thence northwesterly, along said curve, an arc length of 79.76 feet and having a chord bearing and distance of North 85°58'37" West, 79.68 feet to a point on the east right of way line of vacated 3rd Street and also, being the west line of said Lot 12; thence north 0°36'02" West, along said east right of way line and along the west line of said Lot 12, a distance of 0.89 feet to the northwest corner of said Lot 12; thence North 89°34'34" East, along the south right of way line of 18th Avenue and along the north line of said Block 6, a distance of 470.43 feet to the Point of Beginning.

Containing 0.169 acres more or less

NOTE: Parcels 1 and 2 as described above are one and the same parcels of land as described on the Exhibit A attached to the Easement Deed dated December 10, 1999, by and between Midwest Walnut Company, grantor, and Union Pacific Railroad Company, grantee, recorded on September 20, 2000, in the office of the Recorder of Pottawattamie County, Iowa at Book 101, Page 13179 ("Easement Deed"), and as Parcels "A" and "B" as described on the Plat of Survey

attached to the Easement Deed which is dated October 21, 1999, and was prepared by Carl H. Rogers, Jr.

PARCEL 3:

A tract of land lying in a part of 18th Avenue right of way in Casady's Addition to the City of Council Bluffs, Iowa more particularly described as follows:

Commencing at the Southeast corner of Lot 4, Block 2 of said Casady's Addition and point of beginning of said permanent easement; thence South 81°24'54" East a distance of 147.33 feet; thence North 89°25'47" East a distance of 164.94 feet to the beginning of a tangent circular curve concave southwesterly and having a radius of 507.46 feet and a central angle of 24°00'04"; thence southeasterly, along said curve, an arc length of 212.57 feet and having a chord bearing and distance of South 78°34'11" East, 211.02 feet to a point on the South right of way line of said 18th Avenue and also, being the North line of Block 6 of said Casady's Addition; thence South 89°34'34" West, along said South right of way line and along the North line of said Block 6, a distance of 450.78 feet to the Northwest corner of Lot 12 of said Block 6; thence South 0°36'02" East, along the West line of said Lot 12, a distance of 0.89 feet to a point on a non-tangent curve concave northeasterly and having a radius of 497.46 feet and a central angle of 5°52'58", a radial line through said point bears South 8°37'00" West; thence northwesterly, along said curve, an arc length of 51.08 feet and having a chord bearing and distance of North 78°26'31" West, 51.05 feet to the end of said curve; thence North 45°34'19" West a distance of 79.74 feet to a point on the North right of way line of said 18th Avenue and also, being the South line of said Lot 4; thence North 89°29'39" East, along said North right of way line and along the South line of said Lot 4, a distance of 40.26 feet to the point of beginning of said permanent easement. Said permanent easement contains 21,401 square feet, more or less, or 0.491 of an acre, more or less.

NOTE: The South line of said Lot 4 is assumed to bear North 89°29'39" East for this description.

FURTHER NOTE: Parcel 3 as described above is one and the same parcel of land as described on the Exhibit "A" attached to the Easement for Railroad Right of Way dated March 23, 2000, by and between City of Council Bluffs, Iowa, grantor, and Union Pacific Railroad Company, grantee, recorded on April 4, 2000, in the office of the Recorder of Pottawattamie County, Iowa as Instrument No. 16452, Book 100, Page 45956.

Return To: William Hughes, Esq., Stuart Tinley Law Firm, LLP, Qwest Building, 310 W. Kanesville Blvd., 2nd Floor, P.O. Box 398, Council Bluffs, Iowa 51502-0398

Preparer: Steven J. Woolley, Esq., McGill, Gotsdiner, Workman & Lepp, P.C., L.L.O., 11404 West Dodge Road, Suite 500, Omaha, Nebraska 68154-2584

Taxpayer: Red Giant Oil Company, a Nebraska corporation authorized to do business in Iowa, 1701 South 3rd Street, Council Bluffs, Iowa 51503

QUIT CLAIM DEED

For the consideration of One Dollar and other valuable consideration, Midwest Walnut Company of Iowa, an Iowa corporation, does hereby Quit Claim to Red Giant Oil Company, a Nebraska corporation authorized to do business in Iowa, all of its right, title, interest, estate, claim and demand in the following real estate in Pottawattamie County, Iowa:

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Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: _____, 2008

MIDWEST WALNUT COMPANY OF IOWA,
an Iowa corporation, Grantor

By: Gerald W. Keller, Chief Operating Officer

NOTE: Consideration less than \$500.00

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

This instrument was acknowledged before me on _____, 2008, by Gerald W. Keller as Chief Operating Officer of Midwest Walnut Company of Iowa, an Iowa corporation.

Notary Public

Return To: William Hughes, Esq, Stuart Tinley Law Firm, LLP, Qwest Building, 310 W. Kanesville Blvd.,
2" Floor, P.O. Box 398, Council Bluffs, Iowa 51502-0398
Preparer: Roger L. Sawatzke, Attorney 229 South Main Street Council Bluffs Iowa 51503
Taxpayer: Red Giant Oil Company, a Nebraska corporation authorized to do business in Iowa, 1701 South
3rd Street, Council Bluffs, Iowa 51503

QUIT CLAIM DEED

For the consideration of One Dollar and other valuable consideration, Union Pacific Railroad Company, a Delaware corporation, does hereby Quit Claim to Red Giant Oil Company, a Nebraska corporation authorized to do business in Iowa, all of its right, title, interest, estate, claim and demand in the following easements and real estate in Pottawattamie County, Iowa (collectively, the "Property"):

1. Easement Deed dated December 10, 1999, by and between Midwest Walnut Company, grantor, and Union Pacific Railroad Company, grantee, recorded on September 20, 2000, in the office of the Recorder of Pottawattamie County, Iowa at Book 101, Page 13179;
2. Easement for Railroad Right of Way dated March 23, 2000, by and between City of Council Bluffs, Iowa, grantor and Union Pacific Railroad Company, grantee, recorded on April 4, 2000, in the office of the Recorder of Pottawattamie County, Iowa as Instrument No. 16452, Book 100, Page 45956; and
3. See Exhibit "A" attached hereto and incorporated herein by this reference.

Subject to the conditions below, Red Giant Oil Company ("Red Giant") shall grant and Union Pacific Railroad Company ("UP") shall retain a PERPETUAL, EXCLUSIVE EASEMENT in, on, under, over and through all of the Property, for purposes of conducting rail freight rail operations and otherwise to fulfill UP's obligations as a common carrier railroad under applicable laws and regulations (the "Railroad Easement"). UP and its lessees, licensees, successors and assigns, have the right to use the Railroad Easement to operate, use, construct, reconstruct, maintain, repair, relocate and/or remove existing and/or future railroad, rail and railroad-related equipment, facilities and transportation systems necessary for and related to freight rail operations. UP (and/or UP's lessees, licensees, successors and assigns) is entitled to all revenues derived from all current and future agreements to which UP (and/or UP's lessees, licensees, successors and assigns) is a party affecting freight rail operations on the Property. No party, including UP and Red Giant, shall utilize the Rail Easement to conduct rail passenger services.

In the event that the Surface Transportation Board (or any successor agency) grants authority for UP to abandon all of its rail services on the Property, the Railroad Easement may be discontinued by either UP or Red Giant. If the Surface Transportation Board (or any successor agency) issues a Certificate of Interim Trial Use or Abandonment or Notice of Interim Trial Use or Abandonment with respect to the Property, the Railroad Easement will become subject to such Certificate or Notice. Upon the termination of the Railroad Easement, UP shall, at the written request and expense of Red Giant, execute and deliver to Red Giant a recordable document terminating and quitclaiming to Red Giant all of UP's right, title and interest in and to the Railroad Easement. Upon any termination of the Railroad Easement, any railroad track or track appurtenances on the Property shall vest in Red Giant in their existing condition. Any railroad track and track appurtenances vesting in Red Giant shall be deemed to be without warranty or representation, oral or written, express or implied, with respect thereto.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: _____, 2008

Union Pacific Railroad Company, a Delaware
Corporation, Grantor

By: _____
Tony K. Love, Assistant Vice President
Real Estate Department

NOTE: Consideration less than \$500.00

STATE OF NEBRASKA)
) ss.

COUNTY OF DOUGLAS)

This instrument was acknowledged before me on _____, 2008, by Tony K. Love, Assistant Vice President, Real Estate Department of Union Pacific Railroad Company, a Delaware corporation, Grantor.

Notary Public in and for the State of Nebraska

EXHIBIT "A"

PARCEL 1:

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Council Communication

Department: Community Development Offer To Buy City Property Applicant: Stough Development	Resolution of Intent No. <u>08-359</u> Resolution to Dispose No. _____	Set Public Hearing: 12/08/08 Public Hearing: 01/12/09
Subject/Title		
<p>Request of Stough Development, 1128 Main Street, Cincinnati, OH 45202, to purchase the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1st Addition (4,400 sq. ft.). This City owned parcel lies east of North 7th Street, adjacent to Creek Top and Kanesville as shown on the attached map.</p>		
Background/Discussion		
<p>The Community Development Department has received an Offer to Buy from Stough Development Corporation to purchase part of Lots 11, 12 and 13, Block 3, Bayliss 1st Addition as shown on the attached map. They are in the process of purchasing the rest of the block, currently zoned C-4 Commercial, with the intention of developing an 11,800 square foot blood plasma donor center.</p> <p>As per standard review procedures, the Community Development Department circulated the request to City departments for comments. The Public Works Department which has requested a 15-foot easement be retained along Indian Creek for future improvements. This department is requesting that a 15-foot strip of property adjacent to North 7th Street between Creek Top and Mynster Street be deeded to the City to be used for future North 7th Street improvements (approximately 2,700 sq. ft.).</p>		
Recommendation		
<p>The Community Development Department recommends disposal of the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1st Addition in exchange of the following conditions and commitments:</p> <ol style="list-style-type: none">1. The balance of this block shall be acquired by the applicant.2. Stough enters an agreement with the City addressing the following issues:<ul style="list-style-type: none">• A 15-foot strip of property adjacent to North 7th Street between Creek Top and Mynster Street shall be deeded to the City to be used for future North 7th Street improvements. A revised site plan shall be submitted which reflects this 15-foot strip to be dedicated for right-of-way (approximately 2,700 sq. ft.)• A construction easement will be granted to the City along the north side of Indian Creek between North 6th and North 7th Streets, said easement to be shown on the above mentioned site plan.• The revised site plan shall also include modifications to the proposed detention cells, the installation of curbing and sidewalk along 7th Street between the proposed curb cut and Kanesville Boulevard and additional tree plantings.• The transfer of this property to the applicant shall take place upon approval and execution of said agreement.		
<p>Attachment: Location map and site plan.</p> <p>Prepared By: Rebecca Sall, Planning Technician, Community Development Department</p>		

6 B

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-359

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS THE SOUTH 39 FEET OF LOTS 11 AND 12 AND THE SOUTH 10 FEET OF LOT 13, BAYLISS 1ST ADDITION.

WHEREAS, the City has received an offer to buy the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1st Addition, and

WHEREAS, the Mayor and city staff recommends disposal of the above-referenced property under the terms and conditions set forth in the offer to buy.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its intent to dispose of City property legally described as the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1st Addition, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for January 12, 2009.

ADOPTED

AND

APPROVED: December 8, 2008

Thomas P. Hanafan

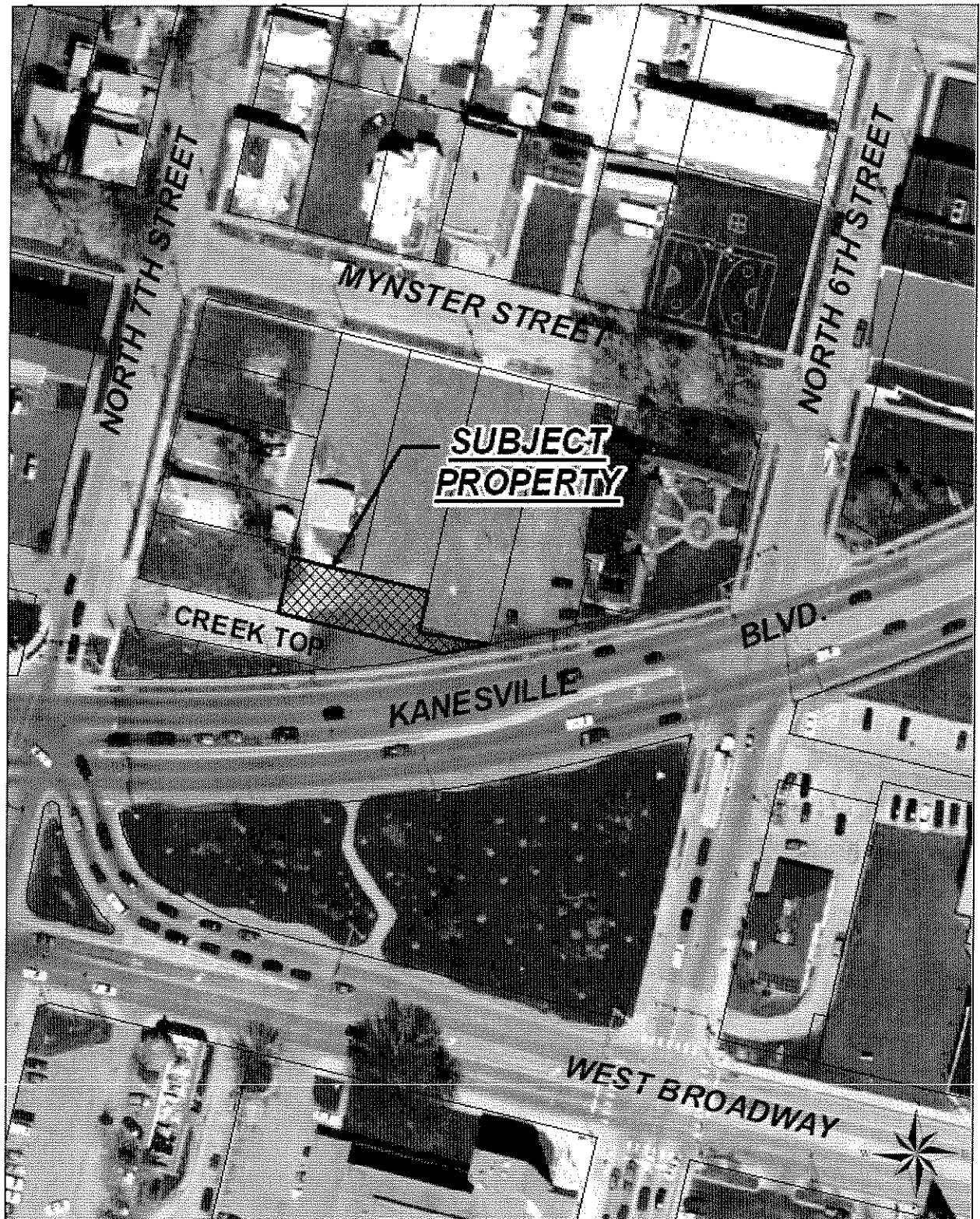
Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

OFFER TO BUY - STOUGH DEVELOPMENT



[illegible]

ZONING DISTRICT
"C-4" - COMMERCIAL DISTRICT, INTENSIVE
BUSINESS ZONE
PROPOSED USE: BLOOD PLASMA DONOR
CENTER

BUILDINGS & SITE COVERAGE:
MAXIMUM LOT COVERAGE: 90%

FRONT YARD: P

ALL YARDS- PARKING STIPACK E' UN

ALL-DIVISION, 100'-

OFF-STREET PARKING

BARRIER FREE PARKING REQUIREMENTS: 2 STD. 0' SPACES, PLUS 1 VAN-0' SPACE

SPACE (10'X35") REQUIRED:

LANDSCAPE REQUIREMENT:

5' UN LANSCLIFF STBIB #2011050

'PARKING LOT SCREENING' A MINIMUM OF

SIRIP MAY BE CREDITED TOWARD THIS REQUIREMENT.

CONCEAL USES FROM VIEW FROM GROUND
LEVEL OF ADJUTANT ESCAPEWAYS AND

SITE: HIGHTMAN, RECOLLIERMAN, JS

THE UNIVERSITY OF CHICAGO

REVISED: 10/27/2015 13:32

"X" AND ZONE "AY" AS SHOWN ON

X IS AN AREA OF 0.2% ANNUAL CHANCE OF FLOOD; AREAS OF 1% ANNUAL CHANCE

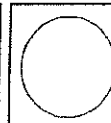
LESS THAN 1 SQUARE MILE: AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL

OF FLOODING; BASE FLOOD ELEVATIONS
DETERMINED

Figure 1

PR-AO

PRELIMINARY SITE LAYOUT PLAN
BLOOD PLASMA DONATION CENTER
FOR
GRIFOLS

SDC
DESIGN
INC.ARCHITECTURE
& PLANNING[illegible]

Council Communication

Department: Community Development Case #ZC-08-016 Case #PR-08-006 Applicant: Colonial Hills, Inc., L. Paul Comeau 11711 Arbor Street, Suite 300, Omaha, NE 68144	Ordinance No. Resolution No. <u>08-360</u>	Planning Commission Meeting November 12, 2008 Date: <u>Dec. 8, 2008</u> :
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Subject/Title

1. Rezone Lot 16 and Outlot A, Euclid Heights Subdivision from R-1/Single Family Residential to R-3/Low Density Multi-family Residential with a P-R/Planned Residential Overlay.
2. Adopt the Planned Residential Development Plan for Colonial Village Apartment and Townhome Villas.
Location: West of Simms Avenue at Dillman Drive

Background/Discussion

Colonial Hills, Inc. has requested rezoning of Lot 16 and Outlot A, Euclid Heights Subdivision lying west of Simms Avenue at Dillman Drive from R-1/Single Family Residential to R-3/Low Density Multi-family Residential with a P-R Planned Residential Overlay. Colonial Hills, Inc. proposes to develop a new independent living community for seniors 55 and up, consisting of one building with 43 apartments (Three one-bedroom units and 40 two-bedroom units) with underground parking and six townhomes along the east side of the 6+ acre lot as shown on the attachment. The land is directly north of the existing Colonial Plaza Apartment, also owned by Mr. Comeau. The first floor consists of 13 one and two bedroom apartments, lobby, offices and common area. The second and third floors each have 15 apartments. Parking for 43 cars, as well as a wash bay, storage space for each unit, a hobby/work room, community meeting/dining room are located in the lower level. A game and fitness center is located adjacent to an outdoor patio. An elevator serving the three floors of living and community use space connects the lower level. The building is 296' long by 86'3" wide and 48' 4" high from grade to the peak of the roof. In addition to the 43 garaged spaces, 23 parking spaces are located adjacent to the main entrance. The number of parking spaces with the mix of bedrooms per unit exceeds the City's requirements. Three one bedroom townhomes (646 sf) and three two bedroom townhomes (1,037 sf) each with a one or two stall attached garage have additional parking in the driveways adjacent to the east side of the apartment building. Sidewalk encircles the building as shown.

A neighborhood meeting will be held at 6 pm on Thursday, November 6, 2008 at St. Paul's Episcopal Church to explain the proposal.

The subject property and the abutting land on the north, east, west and southwest are zoned R-1/Single Family Residential. The land directly south is zoned R-3/Low Density Multi-family Residential. Zoning is shown are the attached map.

Comments

1. The subject property appears to have been zoned for single-family use since zoning was adopted by the City, with multi-family uses to the south. The requested rezoning is consistent with the 1994 Comprehensive Plan which designates this land for multi-family residential use. The proposed layout is sufficient to meet setbacks and off-street parking requirements.
2. In 2002, the Community Development Department recommended denial of the proposed rezoning based on several unresolved site issues. Drainage, access and the height of the buildings were concerns. Multi-family residential remains an appropriate use at this location. On April 11, 2005, the City Council approved the final plat for Euclid Heights Subdivision, creating 16 residential lots. Storm water from Sunny Ridge contributes to the flow in the natural drainage way that extends along the northern edge of the Colonial Hills property. The final plat included a 34' wide drainage easement extending along the northerly side of the subdivision adjacent to a 16' wide unimproved alley along the rear of eight lots addressed along Elmwood Drive. The City installed storm sewer within the easement to handle to storm flows from Sunny Ridge into the site. A detention basin installed about 4 years ago in the northwest corner of Lot 16 collects runoff from about 2 acres in the lower portion of Euclid Heights Subdivision as

6C

- well as Lot 16. Runoff flows through a 40' wide storm and sanitary sewer easement between Lots 7 and 8 and into the City's storm sewer system.
3. In 2006, the owner applied for rezoning to build 64 apartments in two buildings on the site. The Community Development Department recommended approval of the rezoning at the time because the drainage and access issues had been resolved. The Planning Commission did not recommend approval of the rezoning. On February 12, 2007, the City Council did not approve the rezoning request. The owner revised the plan by decreasing the number of apartment units to 43 and adding three duplex townhome villas along the east side.
 4. A storm water management system for Lot 16 has been designed to retain up to a 100-year storm event under developed conditions and release it at a level of the predeveloped 10-year peak runoff. Additional pipe will carry runoff from the church parking lot into the upper detention basin. Outdoor floor and roof drains must be tied directly into the storm sewer system to minimize erosion. On-site storm drainage will be directed to inlets in curbed and guttered parking lots and detention basins. The City requires a grading plan, with grading surety bond consistent with an approved development plan. The Iowa Department of Natural Resources (IDNR) requires a storm water pollution prevention plan prior to any grading on the site. A complete erosion and sediment control plan showing both temporary and permanent measures is subject to review and approval by the Public Works Department to assure a stable site during grading, construction and afterwards. Landscaping and irrigation are components of that plan. The existing detention and retention is approximately 20,500 cf. The proposed detention value, as shown on the grading plan, is approximately 26,400 cf, an increase of over 20% over the existing storage volume. The drainage plan has increased the storage capacity and lot coverage has decreased.
 5. The grading plan shows the limit of the site disturbance to accommodate the structures, drives, retaining walls, proposed detention basins and reflection ponds.
 6. Access to the site is through a 24' wide hard surfaced private drive connecting to Dillman Drive. The drive crosses property belonging to St. Paul's Episcopal Church and adjacent land owned by the applicant. Access easements have been executed with the Church as well as across the property owned by the applicant to assure permanent access to Colonial Village. A 5' wide walkway is shown to loop around the apartment building and connect to the townhomes. Utilities are accessible with adequate capacity to serve the proposed use. The developer will be responsible for all costs for extending or relocating electric facilities and provide to MidAmerican Energy all applicable easements to the utility at no cost. Sanitary sewer would connect via gravity to the existing easement between Lots 7 and 8, Euclid Heights to the sewer in Euclid Avenue.
 7. The utility plan shows a private 10" water line extending from a point near Dillman Drive, which the Water Works agrees is needed for domestic use and fire protection. The building will require an automatic sprinkler system. Private fire hydrants are shown on the plan. Water lines and fire hydrants must be installed consistent with the fire safety and Water Works standards.
 8. The fire department requires 20' wide hard surface access within 150' of all points of the building. The site plan shows a fire access lane around the apartment building. They proposed a 15' wide lane with 3' wide shoulder composed of polyethylene Geoblock units over a 4" aggregate-topsoil mixture. The units are seeded to allow growth of a turf surface. The lane would support heavy truck traffic. The Fire Department will have to review and approve the proposed option prior to installation.
 9. A rock formation, waterfall and river rock brook, flowing into a small pond has been incorporated into the grading plan.
 10. Lighting for parking and exterior walkways is the responsibility of the owner to install and maintain.

Recommendation

The Community Development Department recommends:

1. Rezoning Lot 16 and Outlot A, Euclid Heights Subdivision from R-1/Single Family Residential to R-3/Low Density Multi-family Residential with a P-R Planned Residential Overlay, because the rezoning is consistent with the Comprehensive Plan and the spirit and intent of the Zoning Ordinance as discussed above.
2. Approval of the development plan for Colonial Village Apartment Homes and Townhomes as shown on the attachments, subject to the following conditions:
 - A. All applicable permits necessary to meet local state and federal requirements shall be the obtained by the applicant or authorized agent prior to any earth moving activity.

- B. Approval of the composition of the fire lane within 150' of all points of each building as required to meet the fire safety code. Review and approval of the radius of the fire lane to comply with the needs of emergency responders to navigate the lane.
- C. In addition to the walkways shown on the site plan, a walkway shall be installed along one side of the drive connecting to the sidewalk at Colonial Plaza Apartments.
- D. Approval of the landscaping as shown on the site plan. Final landscaping, including an irrigation system and planting schedule, a species list with number and location of all new plant material shall be submitted to the Community Development Department for review and approval prior to installation. Landscaping shall be installed prior to issuance of a Certificate of Occupancy for the buildings on the site.
- E. Signage shall be limited to one detached sign at the entrance drive, not to exceed 6 feet in height or larger than 32 square feet per face. A double-faced sign is permitted.

Public Hearing

Tim Irish, Designed Properties, Ron Ross, Snyder & Associates, L. Paul Comeau, owner and Keith Adams, 111 Sunny Ridge Drive appeared before the Planning Commission in favor of the request.

The following appeared in opposition:

Ron Koontz, 357 Elmwood Drive

Farrel Williams, 117 Sunny Ridge Drive

Sandra Wakehouse, 257 Euclid Avenue

Planning Commission Recommendation

The Planning Commission recommends:

1. Rezoning Lot 16 and Outlot A, Euclid Heights Subdivision from R-1/Single Family Residential to R-3/Low Density Multi-family Residential with a P-R Planned Residential Overlay, because the rezoning is consistent with the Comprehensive Plan and the spirit and intent of the Zoning Ordinance as discussed above.
2. Approval of the development plan for Colonial Village Apartment Homes and Townhomes as shown on the attachments, subject to the following conditions:
 - A. All applicable permits necessary to meet local state and federal requirements shall be the obtained by the applicant or authorized agent prior to any earth moving activity.
 - B. Approval of the composition of the fire lane within 150' of all points of each building as required to meet the fire safety code. Review and approval of the radius of the fire lane to comply with the needs of emergency responders to navigate the lane.
 - C. In addition to the walkways shown on the site plan, a walkway shall be installed along one side of the drive connecting to the sidewalk at Colonial Plaza Apartments.
 - D. Approval of the landscaping as shown on the site plan. Final landscaping, including an irrigation system and planting schedule, a species list with number and location of all new plant material shall be submitted to the Community Development Department for review and approval prior to installation. Landscaping shall be installed prior to issuance of a Certificate of Occupancy for the buildings on the site.
 - E. Signage shall be limited to one detached sign at the entrance drive, not to exceed 6 feet in height or larger than 32 square feet per face. A double-faced sign is permitted.

VOTE: AYE 9 NAY 1 ABSTAIN 0 ABSENT 1 Motion: Carried

Representatives: Craig Knickrehm, P O Box 540125 Omaha, NE 68154

Tim Irish, 11707 'M' Circle, Omaha, NE 68137

Engineer: Snyder & Associates, 1751 Madison Ave., Council Bluffs, IA 51503

Attachments: Zoning map, site, utility, grading and drainage plans, building elevations and topography.

Prepared by: Gayle M. Malmquist, Development Services Coordinator

RESOLUTION NO. 08-360

A RESOLUTION to approve a Planned Residential Development Plan for Colonial Village Apartment and Townhome Villas.

WHEREAS, Colonial Hills, Inc. has requested approval of a planned residential development plan to develop a new independent living community for seniors 55 and up, consisting of one building with 43 apartments with underground parking, and six townhomes along the east side of the 6+ acre lot, located west of Simms Avenue at Dillman Drive; and

WHEREAS, the subject property and the abutting land on the north, east, west and southwest are zoned R-1/Single Family Residential; the land directly south is zoned R-3/Low Density Multi-family residential. The applicant is also requesting to rezone the property to R-3/Low Density Multi-family residential with a P-R/Planned Residential Overlay; and

WHEREAS, the appropriate city departments and utilities have reviewed the Planned Residential Development Plan; and

WHEREAS, the Community Development Department recommends approval of the Planned Residential Development Plan for Colonial Village Apartment and Townhome Villas, as shown on the attachments, subject to the following conditions:

1. All applicable permits necessary to meet local, state and federal requirements shall be obtained by the applicant or authorized agent prior to any earth moving activity.
2. Approval of the composition of the fire land within 150' of all points of each building as required to meet the fire safety code. Review and approval of the radius of the fire lane to comply with the needs of emergency responders to navigate the lane.
3. In addition to the walkways shown on the site plan, a walkway shall be installed along one side of the drive connecting to the sidewalk at Colonial Plaza Apartments.
4. Approval of the landscaping as shown on the site plan. Final landscaping, including an irrigation system and planting schedule, a species list with number and location of all new plant material shall be submitted to the Community Development Department for review and approval prior to installation. Landscaping shall be installed prior to issuance of a Certificate of Occupancy for the buildings on the site.
4. Signage shall be limited to one detached sign at the entrance drive, not to exceed six feet in height or larger than 32 square feet per face. A double-faced sign is permitted.

WHEREAS, the Planning Commission concurs with the Community Development Department recommendation.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the Planned Residential Development Plan for Colonial Village Apartment and Townhome Villas is hereby approved as set forth above.

ADOPTED
AND
APPROVED December 8, 2008

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

Planning Case No. PR-08-006

Council Communication

Department: Community Development Case #ZC-08-013 Case #SUB-08-010 Case #PR-08-005	Resolution No. <u>08-361</u> Resolution No. _____ Ordinance No. _____	Planning Commission: 11-12-08 Date: <u>December 8, 2008</u>
<p style="text-align: center;">River's Edge Subdivision</p> <ol style="list-style-type: none">1. Rezone property from R-4/PR and A-2 to R-4/PR and A-2, as shown on the attached map;2. Preliminary plan approval for a subdivision to be known as River's Edge Subdivision;3. Adopt the Planned Residential Development Plan for River's Edge Subdivision.		
<p style="text-align: center;">Background/Discussion</p> <p>The Community Development Department is requesting rezoning, preliminary plan and planned residential development plan approval of the River's Edge project located at Playland Park. The planning process was guided by a steering committee and reviewed and approved by the City Planning Commission and the City Parks, Recreation and Public Property Commission prior to adoption by the City Council in December 2007. The requested actions are consistent with the adopted Plan. The master plan can be found online at www.communitydev.councilbluffs-ia.gov and then selecting 'Plans and Documents'.</p> <p>Several opportunities were presented throughout the planning process to encourage public participation. A visioning session, design charrette and follow-up neighborhood meeting were held to allow the surrounding neighborhood and the public to provide comments on the proposed plan while in development. Comments received from the planning process were included in the staff report for consideration at the time of plan adoption approximately one year ago.</p> <p>Following adoption of plan the City has moved forward with project engineering. The improvement plans are approximately 60% complete. The City continues to work on the various regulatory issues associated with the project including the Iowa Department of Natural Resources and other state/federal review agencies.</p> <p>Rezoning –</p> <p>The existing R-4/High Density Multi-family Residential District with a Planned Residential Overlay and A-2, Parks, Estates and Agricultural District zoning was established following a private development proposal for the property in January 2003. At that time a portion of the property was sold to a private developer who proposed construction of two condominium towers and two multi-family structures on the site, with the western portion of the property remaining as parkland. Although the plan is dramatically different the zoning necessary to implement the Plan is the same. The existing and proposed zoning is shown on Attachments 'A' and 'B'.</p> <p>Fifty-two public notices were mail to owners of property within 200 feet of the proposed rezoning. No comments were received prior to the mailing of this staff report. Two notices were returned as 'undeliverable'.</p> <p>Preliminary Plan –</p> <p>The proposed subdivision will be made up of eight blocks as described below. The block configuration is included as part of the subdivision. Individual lot placement is shown, however it is not dimensioned or to be platted at this time. The preliminary plan is included as Attachment 'B'. The lot placement within the blocks will be established at the time of final plat. The lot placement would likely have to be re-platted at the time of the final plat instrument because of the nature of the housing type. The attached single family unit design will impact the lot width.</p>		

- Block 1: neighborhood park;
- Block 2: single family detached dwellings along Avenue 'B' and live/work units along River's Edge Boulevard and North 43rd Street;
- Block 3: formal green/park;
- Block 4: attached townhomes, condominium building with first level commercial;
- Block 5: attached townhomes, multi-family and/or condominium building with first level commercial;
- Block 6: attached townhomes;
- Block 7: attached townhomes;
- Block 8: attached townhomes.

A significant Plan change is being considered. The vehicular access to the riverfront through the Missouri River levee may not occur. As a result of that potential design change Block 4, the river front entryway street and Block 3 (the park) will be reconfigured. The exact design is unknown at this time. The proposed change will be considered as a plan amendment in the future. The construction of Block 4 is anticipated to be one of the later phases of the project and will not delay the phase I subdivision improvements. If this design change occurs it will be necessary for the connections to 9th Avenue and Avenue 'G' over the Missouri River levee to occur at an earlier phase of the project. The connections will be necessary to provide the circulation of a riverfront drive that will open portions of the park area and provide opportunities for parking. A strong connection to the park amenity is necessary for the success and desirability of the neighborhood as a development.

The overall configuration of the project is a modified grid pattern that will connect at two locations to Avenue 'B' and to 41st Street under I-480. A variety of public right-of-way sections are included in the project ranging from a 90-foot boulevard section to a 20-foot wide alley.

All lots will be serviced by utilities. Upgrades and replacement of the sanitary sewer pump station located south of I-480 near the River Park apartment complex will be necessary to service the project area. The sanitary sewer trunk line extending from the existing neighborhood under the interstate to the pump station is in poor condition and is in need of replacement.

Storm sewer will be handled through the sizing of underground pipe. The existing outfall which extends through the Missouri River levee will be replaced. The levee crossing will require Army Corps of Engineering approval. The park spaces have been preliminarily designed through the grading plan to provide storage in the event the gate structure to the outfall must be closed. It will be necessary to fill the site approximately one to two feet, approximately 120,000 cubic yards.

The water system has not been designed at this time. A main extension agreement will be required, which may include the need to relocate private and public mains in the area. There is currently a 6-inch main in Avenue B and an 8-inch main in the north/south alley west of North 40th Street.

Underground electric service will require the design of an underground conduit system providing 15-foot wide easements. Clearances must be maintained for all existing facilities. The cost to relocate or extend facilities will be at the developer's cost. A final determination on cost, if any, to extend new service to the area will be determined once a detailed site plan and load requirements are submitted to MidAmerican Energy.

A grading plan, consistent with an approved preliminary plan and development plan is being finalized at this time. The Iowa Department of Natural Resources (IDNR) requires a storm water pollution prevention plan prior to any grading on the site. A complete erosion and sediment control plan showing both temporary and permanent measures is subject to review and approval by the Public Works Department to assure a stable site during grading/construction and afterwards. The preliminary soils report indicates the soils are suitable for the proposed uses. If the subdivision is approved the City intends to move forward with a demolition and grading contract in Spring 2009.

Planned Residential Development Plan Review –

The Master Plan includes setback distances, mass and scale properties for each block and street. The subdivision will have common streetscape elements throughout including sidewalk treatments, street lighting and landscaping. Generally the 'Design Guidelines' portion of the master plan should act as the development plan component of the project. The design guidelines do not dictate the overall architecture of the structures but do discuss placement, relationship to the street and the type of space envisioned. The document components are included as Attachment 'C'.

The exact materials and streetscape plan have not been finalized. An amendment will be requested following completion for your concurrence. At this time the City is considering the use of pervious asphalt on a component of the rear alleys. Pervious concrete is being considered for the public sidewalks, as well as a pervious paver detail adjacent to the street. The sidewalk sections will include planting beds, street trees, street lights and a paver detail adjacent to the street pavement. Plant material has not been finalized, but the focus is on sustainability. The majority of the planting materials, including trees will be native requiring less watering and less maintenance, adding to the appeal of the other 'green' principles to be incorporated into the development.

Recommendation

The Community Development Department recommends:

1. Approve the preliminary plan for a subdivision to be known as River's Edge Subdivision, subject to the following notes and conditions:
 - a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
 - b. The proposed subdivision is consistent with the purpose and intent of the Subdivision and Zoning Ordinances and is generally consistent with the Playland Park Master Plan, as adopted. All of the proposed lots abut public street right-of-way. Circulation in the subdivision will be on public streets and fully served with public utilities.
 - c. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local state and federal requirements shall be the developer's responsibility.
 - d. An erosion and sediment control and grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
 - e. All utilities extended to the site and providing service within the site shall be located underground.
 - f. A main extension agreement must be executed with the Council Bluffs Water Works.
 - g. The developer shall maintain all clearances from existing electric facilities and pay all costs associated with extending or relocating any facilities. Based upon the route determined by MidAmerican Energy, the developer shall install the conduit system and provide the appropriate easements.
 - h. Fire hydrant spacing shall meet the minimum spacing limitations as required by the Fire Department and the Water Works.
 - i. Sidewalk shall be required as developed in the planned residential development plan.
2. Approve the Planned Residential Development Plan for River's Edge Subdivision as presented, subject to the following conditions:

- a. In order for these units to be sold individually, each 'townhouse' unit shall be built to comply with the 'dwelling unit separation' requirements as defined in the 2003 International Residential Code. A townhouse is a single family dwelling, constructed in a group of attached units with a zero-setback property line and separated by a 1-hour rated assembly.
 - b. Two off-street parking spaces are required for each housing unit.
 - c. Street lighting shall be installed by the developer at spacing to meet City standards, in accordance with the approved plan.
 - d. Preparation of a landscape plan including streetscape amenities for the development.
3. Rezone the property from R-4/High Density Multi-Family Residential District with a P-R/Planned Residential Overlay and A-2/Parks, Estates and Agricultural District to R-4/High Density Multi-Family Residential District with a P-R/Planned Residential Overlay and A-2/Parks, Estates and Agricultural District as shown on Attachment 'B'.

Public Hearing

Rose Brown, Urban Planner, Community Development Department, appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission recommends:

1. Approve the preliminary plan for a subdivision to be known as River's Edge, subject to the notes and conditions cited in the staff report.
2. Approve the Planned Residential Development Plan for River's Edge Subdivision, subject to the conditions cited in the staff report.
3. Effective with final plat approval for the River's Edge, rezone as follows:
 - a. Proposed Block 1 of the final plat for River's Edge Subdivision from A-2/Parks, Estates and Agricultural District and R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay to A-2/Parks, Estates and Agricultural District; and
 - b. Proposed Block 3 of the final plat for River's Edge Subdivision from R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay to A-2/Parks, Estates and Agricultural District; and
 - c. Proposed Block 2 and Blocks 4 through 8 of the final plat for River's Edge Subdivision from A-2/Parks, Estates and Agricultural District and R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay to R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachments

Attachment 'A': existing zoning map
 Attachment 'B': proposed zoning map
 Attachment 'C': Preliminary subdivision plan
 Attachment 'D': Planned residential development plan

Owner: City of Council Bluffs

Engineer: HDR Engineering, Inc. – Chris Koenig, P.E., 8404 Indian Hills Road, Omaha, NE 68114-4098

Prepared by: Rose E. Brown, Urban Planner



RESOLUTION NO. 08-361

A RESOLUTION granting preliminary plan approval for River's Edge Subdivision.

WHEREAS, the Community Development Department is requesting rezoning, preliminary plan and planned residential development plan approval of the River's Edge project located at Playland Park; and

WHEREAS, the preliminary plan has been reviewed by the appropriate city departments and utilities; and

WHEREAS, the Planning Commission concurs with the Community Development Department, and recommends approval of the preliminary plan for a subdivision to be known as River's Edge Subdivision, as shown on the Attachment, subject to the following notes and conditions:

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is "deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat". (Section 14.11.060.04 – Subdivision ordinance).
2. The proposed subdivision is consistent with the purpose and intent of the Subdivision and Zoning Ordinances and is generally consistent with the Playland Park Master Plan, as adopted. All of the proposed lots abut public street right-of-way. Circulation in the subdivision will be on public streets and fully served with public utilities.
3. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning any construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
4. An erosion and sediment control and grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
5. All utilities extended to the site and providing service within the site shall be located underground

6. The main extension agreement must be executed by the Council Bluffs Water Works.
7. The developer shall maintain all clearances from existing electric facilities and pay all costs associated with extending or relocating any facilities. Based upon the route determined by MidAmerican Energy, the developer shall install the conduit system and provide the appropriate easements.
8. Fire hydrant spacing shall meet the minimum spacing limitations as required by the Fire Department and the Water Works.
9. Sidewalk shall be required as developed in the planned residential development plan.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That preliminary plan approval for River's Edge Subdivision, as shown on the Attachment, is hereby approved subject to the conditions set forth above.

ADOPTED
AND
APPROVED December 8, 2008

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

Council Communication

Department: Community Development	Resolution No. <u>08-362</u>	Planning Commission: 11-12-08
Case #ZC-08-013	Resolution No. _____	Date: <u>December 8, 2008</u>
Case #SUB-08-010		
Case #PR-08-005	Ordinance No	

River's Edge Subdivision

1. Rezone property from R-4/PR and A-2 to R-4/PR and A-2, as shown on the attached map;
2. Preliminary plan approval for a subdivision to be known as River's Edge Subdivision;
3. Adopt the Planned Residential Development Plan for River's Edge Subdivision.

Background/Discussion

The Community Development Department is requesting rezoning, preliminary plan and planned residential development plan approval of the River's Edge project located at Playland Park. The planning process was guided by a steering committee and reviewed and approved by the City Planning Commission and the City Parks, Recreation and Public Property Commission prior to adoption by the City Council in December 2007. The requested actions are consistent with the adopted Plan. The master plan can be found online at www.communitydev.councilbluffs-ia.gov and then selecting 'Plans and Documents'.

Several opportunities were presented throughout the planning process to encourage public participation. A visioning session, design charrette and follow-up neighborhood meeting were held to allow the surrounding neighborhood and the public to provide comments on the proposed plan while in development. Comments received from the planning process were included in the staff report for consideration at the time of plan adoption approximately one year ago.

Following adoption of plan the City has moved forward with project engineering. The improvement plans are approximately 60% complete. The City continues to work on the various regulatory issues associated with the project including the Iowa Department of Natural Resources and other state/federal review agencies.

Rezoning –

The existing R-4/High Density Multi-family Residential District with a Planned Residential Overlay and A-2, Parks, Estates and Agricultural District zoning was established following a private development proposal for the property in January 2003. At that time a portion of the property was sold to a private developer who proposed construction of two condominium towers and two multi-family structures on the site, with the western portion of the property remaining as parkland. Although the plan is dramatically different the zoning necessary to implement the Plan is the same. The existing and proposed zoning is shown on Attachments 'A' and 'B'.

Fifty-two public notices were mail to owners of property within 200 feet of the proposed rezoning. No comments were received prior to the mailing of this staff report. Two notices were returned as 'undeliverable'.

Preliminary Plan –

The proposed subdivision will be made up of eight blocks as described below. The block configuration is included as part of the subdivision. Individual lot placement is shown, however it is not dimensioned or to be platted at this time. The preliminary plan is included as Attachment 'B'. The lot placement within the blocks will be established at the time of final plat. The lot placement would likely have to be re-platted at the time of the final plat instrument because of the nature of the housing type. The attached single family unit design will impact the lot width.

6E

- Block 1: neighborhood park;
- Block 2: single family detached dwellings along Avenue 'B' and live/work units along River's Edge Boulevard and North 43rd Street;
- Block 3: formal green/park;
- Block 4: attached townhomes, condominium building with first level commercial;
- Block 5: attached townhomes, multi-family and/or condominium building with first level commercial;
- Block 6: attached townhomes;
- Block 7: attached townhomes;
- Block 8: attached townhomes.

A significant Plan change is being considered. The vehicular access to the riverfront through the Missouri River levee may not occur. As a result of that potential design change Block 4, the river front entryway street and Block 3 (the park) will be reconfigured. The exact design is unknown at this time. The proposed change will be considered as a plan amendment in the future. The construction of Block 4 is anticipated to be one of the later phases of the project and will not delay the phase I subdivision improvements. If this design change occurs it will be necessary for the connections to 9th Avenue and Avenue 'G' over the Missouri River levee to occur at an earlier phase of the project. The connections will be necessary to provide the circulation of a riverfront drive that will open portions of the park area and provide opportunities for parking. A strong connection to the park amenity is necessary for the success and desirability of the neighborhood as a development.

The overall configuration of the project is a modified grid pattern that will connect at two locations to Avenue 'B' and to 41st Street under I-480. A variety of public right-of-way sections are included in the project ranging from a 90-foot boulevard section to a 20-foot wide alley.

All lots will be serviced by utilities. Upgrades and replacement of the sanitary sewer pump station located south of I-480 near the River Park apartment complex will be necessary to service the project area. The sanitary sewer trunk line extending from the existing neighborhood under the interstate to the pump station is in poor condition and is in need of replacement.

Storm sewer will be handled through the sizing of underground pipe. The existing outfall which extends through the Missouri River levee will be replaced. The levee crossing will require Army Corps of Engineering approval. The park spaces have been preliminarily designed through the grading plan to provide storage in the event the gate structure to the outfall must be closed. It will be necessary to fill the site approximately one to two feet, approximately 120,000 cubic yards.

The water system has not been designed at this time. A main extension agreement will be required, which may include the need to relocate private and public mains in the area. There is currently a 6-inch main in Avenue B and an 8-inch main in the north/south alley west of North 40th Street.

Underground electric service will require the design of an underground conduit system providing 15-foot wide easements. Clearances must be maintained for all existing facilities. The cost to relocate or extend facilities will be at the developer's cost. A final determination on cost, if any, to extend new service to the area will be determined once a detailed site plan and load requirements are submitted to MidAmerican Energy.

A grading plan, consistent with an approved preliminary plan and development plan is being finalized at this time. The Iowa Department of Natural Resources (IDNR) requires a storm water pollution prevention plan prior to any grading on the site. A complete erosion and sediment control plan showing both temporary and permanent measures is subject to review and approval by the Public Works Department to assure a stable site during grading/construction and afterwards. The preliminary soils report indicates the soils are suitable for the proposed uses. If the subdivision is approved the City intends to move forward with a demolition and grading contract in Spring 2009.

Planned Residential Development Plan Review –

The Master Plan includes setback distances, mass and scale properties for each block and street. The subdivision will have common streetscape elements throughout including sidewalk treatments, street lighting and landscaping. Generally the 'Design Guidelines' portion of the master plan should act as the development plan component of the project. The design guidelines do not dictate the overall architecture of the structures but do discuss placement, relationship to the street and the type of space envisioned. The document components are included as Attachment 'C'.

The exact materials and streetscape plan have not been finalized. An amendment will be requested following completion for your concurrence. At this time the City is considering the use of pervious asphalt on a component of the rear alleys. Pervious concrete is being considered for the public sidewalks, as well as a pervious paver detail adjacent to the street. The sidewalk sections will include planting beds, street trees, street lights and a paver detail adjacent to the street pavement. Plant material has not been finalized, but the focus is on sustainability. The majority of the planting materials, including trees will be native requiring less watering and less maintenance, adding to the appeal of the other 'green' principles to be incorporated into the development.

Recommendation

The Community Development Department recommends:

1. Approve the preliminary plan for a subdivision to be known as River's Edge Subdivision, subject to the following notes and conditions:
 - a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
 - b. The proposed subdivision is consistent with the purpose and intent of the Subdivision and Zoning Ordinances and is generally consistent with the Playland Park Master Plan, as adopted. All of the proposed lots abut public street right-of-way. Circulation in the subdivision will be on public streets and fully served with public utilities.
 - c. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local state and federal requirements shall be the developer's responsibility.
 - d. An erosion and sediment control and grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
 - e. All utilities extended to the site and providing service within the site shall be located underground.
 - f. A main extension agreement must be executed with the Council Bluffs Water Works.
 - g. The developer shall maintain all clearances from existing electric facilities and pay all costs associated with extending or relocating any facilities. Based upon the route determined by MidAmerican Energy, the developer shall install the conduit system and provide the appropriate easements.
 - h. Fire hydrant spacing shall meet the minimum spacing limitations as required by the Fire Department and the Water Works.
 - i. Sidewalk shall be required as developed in the planned residential development plan.
2. Approve the Planned Residential Development Plan for River's Edge Subdivision as presented, subject to the following conditions:

- a. In order for these units to be sold individually, each 'townhouse' unit shall be built to comply with the 'dwelling unit separation' requirements as defined in the 2003 International Residential Code. A townhouse is a single family dwelling, constructed in a group of attached units with a zero-setback property line and separated by a 1-hour rated assembly.
 - b. Two off-street parking spaces are required for each housing unit.
 - c. Street lighting shall be installed by the developer at spacing to meet City standards, in accordance with the approved plan.
 - d. Preparation of a landscape plan including streetscape amenities for the development.
3. Rezone the property from R-4/High Density Multi-Family Residential District with a P-R/Planned Residential Overlay and A-2/Parks, Estates and Agricultural District to R-4/High Density Multi-Family Residential District with a P-R/Planned Residential Overlay and A-2/Parks, Estates and Agricultural District as shown on Attachment 'B'.

Public Hearing

Rose Brown, Urban Planner, Community Development Department, appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission recommends:

1. Approve the preliminary plan for a subdivision to be known as River's Edge, subject to the notes and conditions cited in the staff report.
2. Approve the Planned Residential Development Plan for River's Edge Subdivision, subject to the conditions cited in the staff report.
3. Effective with final plat approval for the River's Edge, rezone as follows:
 - a. Proposed Block 1 of the final plat for River's Edge Subdivision from A-2/Parks, Estates and Agricultural District and R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay to A-2/Parks, Estates and Agricultural District; and
 - b. Proposed Block 3 of the final plat for River's Edge Subdivision from R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay to A-2/Parks, Estates and Agricultural District; and
 - c. Proposed Block 2 and Blocks 4 through 8 of the final plat for River's Edge Subdivision from A-2/Parks, Estates and Agricultural District and R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay to R-4/High Density Multi-family Residential District with a P-R/Planned Residential Overlay.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachments

Attachment 'A': existing zoning map
 Attachment 'B': proposed zoning map
 Attachment 'C': Preliminary subdivision plan
 Attachment 'D': Planned residential development plan

Owner: City of Council Bluffs

Engineer: HDR Engineering, Inc. – Chris Koenig, P.E., 8404 Indian Hills Road, Omaha, NE 68114-4098

Prepared by: Rose E. Brown, Urban Planner



RESOLUTION NO. 08-362

A RESOLUTION to adopt a Planned Residential Development Plan for River's Edge Subdivision.

WHEREAS, the Community Development Department is requesting rezoning, preliminary plan and planned residential development plan approval of the River's Edge project located at Playland Park; and

WHEREAS, the existing R-4/High Density Multi-family Residential with a Planned Residential Overlay and A-2/Parks, Estates and Agricultural zoning was established following a private development proposal in January, 2003. Although the proposed plan is dramatically different, the zoning districts necessary to implement the Plan are the same. An ordinance to rezone the proposed subdivision is currently under consideration by this City Council; and

WHEREAS, the appropriate city departments and utilities have reviewed the Planned Residential Development Plan; and

WHEREAS, the Community Development Department recommends approval of the Planned Residential Development Plan for Rivers Edge Subdivision; and

WHEREAS, the Planning Commission concurs with the Community Development Department recommendation, subject to the following conditions:

A. Approve the Planned Residential Development Plan for Hospice of Southwest Iowa, as shown on Attachment "A", subject to the following comments and conditions:

- 1) In order for these units to be sold individually, each "townhouse" unit shall be built to comply with the "dwelling unit separation" requirements as defined in the 2003 International Residential Code. A townhouse is a single-family dwelling, constructed in a group of attached units with a zero-setback property line and separated by a 1-hour rated assembly.
- 2) Two off-street parking spaces are required for each housing unit;
- 3) Street lighting shall be installed by the developer at spacing to meet City standards, in accordance with the approved plan.
- 4) Preparation of a landscape plan including streetscape amenities for the development.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the Planned Residential Development Plan for River's Edge Subdivision, as presented, is hereby approved as set forth above.

ADOPTED
AND
APPROVED

December 8, 2008

THOMAS P. HANAFAN

Mayor

Attest:

JUDITH RIDGELEY

City Clerk

Planning Case No. PR-08-005

Council Communication

Department: Community Development	Resolution No. <u>08-363</u>	CA: 12-8-2008
Case/Project No. MIS-08-002		
Subject/Title		
Resolution approving FY 2009-10 Capital Improvement Program for sales tax, downtown streetscape, and Playland sanitary sewer projects.		
Background/Discussion		
<p>The City annually prepares and adopts a Capital Improvement Program (CIP). The CIP establishes which projects will be undertaken during the next fiscal year and proposes other projects for the balance of a five-year period. The CIP is utilized as a financial tool and is required to meet underwriting criteria for issuing bonded indebtedness. The CIP should also be considered as the primary method of implementing the goals and objectives of the City's Comprehensive Plan and other adopted plans or strategies.</p> <p>Due to the timing of City Planning Commission and City Council meetings in December and the current need to authorize engineering contracts, staff is requesting City Council consideration of a partial FY 2009-10 CIP relating to sales tax, downtown streetscape, and Playland sanitary sewer projects. A resolution is attached listing \$17,450,000 of projects for City Council consideration.</p> <p>Concurrent with this action, staff has scheduled the complete FY 2009-10 through FY 2013-14 CIP for City Planning Commission on December 9, 2008. City Council will receive the City Planning Commissions recommendation at the January 12, 2009 meeting. The proposed CIP calls for the expenditure of \$26,620,000 during FY 2009-10 with a total of \$97,040,000 over a five-year period.</p>		
Recommendation		
Adoption of resolution approving FY 2009-10 Capital Improvement Program for sales tax, downtown streetscape, and Playland sanitary sewer projects.		



Attachment for Resolution No. 08-363

12/8/2008

NUMBER	PROJECT	LOCATION	TYPE OF IMPROVEMENT	FUNDING SOURCE	FED	STATE	SALES	GO	OTHER	TOTAL
10-02A-PW	Infrastructure Maintenance	Citywide	Street repairs				\$500			\$500
10-02B-PW	Infrastructure Maintenance	Citywide	Sewer repair				\$200			\$200
10-02C-PW	Infrastructure Maintenance	Wastewater Plant	Plant repairs				\$500			\$500
10-03-PW	Infrastructure Maintenance	Citywide	Evaluation and analysis				\$100			\$100
10-04A-PW	Stormwater Management	TBD	Storm sewer				\$200			\$200
10-04B-PW	Stormwater Management	Mo River Levee	Relief wells	drainage districts			\$50		\$50	\$100
10-05A-PW	13th St Sewer Rehab-Ph IV	22nd Ave to 19th Ave	Pavement, sewer				\$1,000			\$1,000
10-05B-PW	S 31st St Rehab-Ph III	Ave A to Ave E	Pavement, sewer				\$1,000			\$1,000
10-05C-PW	S 11th St Storrin Sewer	US 275 to 32nd Ave	Storm sewer				\$2,500			\$2,500
10-05D-PW	S 32nd St Sewer Rehab	14th Ave to 10th Ave	Pavement, sewer				\$1,000			\$1,000
10-05E-PW	Wastewater Disinfection	Wastewater Plant	Centrifuge	depr fund					\$1,000	\$1,000
10-06A-PW	Sewer Relocations	Interstate Conflicts	Sewer	STP-33C	\$1,000		\$200			\$1,200
10-06B-PW	Sewer Extension	TBD	Sanitary sewer	impact fees					\$250	\$250
10-07-PW	E Beltway-Segments A-D	US 6 to IA 92	Pavement	DPI, County	\$2,000		\$250		\$250	\$2,500
10-09-PW	2nd Ave Pump Station/Sewer	2nd Ave/Playland	Sanitary sewer					\$1,500		\$1,500
10-10-PW	Lower Bennett Rehab-Ph I	TBD	Pavement, sewer				\$500			\$500
10-11-PW	Broadway Streetscape-Ph II	2nd St to 1st St	Pavement, sewer	IWF, WW				\$1,500	\$1,900	\$3,400
Total					\$3,000	\$0	\$8,000	\$3,000	\$3,450	\$17,450

RESOLUTION NO. 08-363

A RESOLUTION APPROVING FY 2009-10 CAPITAL IMPROVEMENT PROGRAM FOR SALES TAX, DOWNTOWN STREETScape, AND PLAYLAND SANITARY SEWER PROJECTS

- WHEREAS,** the City annually prepares and adopts a Capital Improvement Program which establishes capital projects to be undertaken during the next fiscal year and proposes projects for the balance of a five-year period; and
- WHEREAS,** the Capital Improvement Program for FY 2009-10 through FY 2013-14 has been prepared and will be scheduled for City Planning Commission consideration on December 9, 2008; and
- WHEREAS,** in order to meet the 2009 construction season a partial FY 2009-10 Capital Improvement Program has been prepared for sales tax, downtown streetscape, and Playland sanitary sewer projects; and
- WHEREAS,** after study and consideration, it is the belief of this City Council that approval of the FY 2009-10 Capital Improvement Program for sales tax, downtown streetscape, and Playland sanitary sewer projects is in the best interest of the City of Council Bluffs, Iowa.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the FY 2009-10 Capital Improvement Program for sales tax, downtown streetscape, and Playland sanitary sewer projects, attached hereto and make a part by reference, is hereby approved by the City Council of Council Bluffs, Iowa,

ADOPTED

AND

APPROVED: December 8, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk